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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,937	11/01/2001	Michael Tekletsion Berhan	201-0183 FGM	3514

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CHUPA & ALBERTI, P.C.
31313 NORTHWESTERN HWY
SUITE 205
FARMINGTON HILLS, MI 48334

EXAMINER

WAKS, JOSEPH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,937

Applicant(s)

BERHAN, MICHAEL TEKLETSIO

Examiner

Joseph Waks

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 0203.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1-17**, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, and claim 12, line 5, "which is isolated from said torque converter" is indefinite since it is not clear what and with what respect is isolated from the torque converter in other words: is it a rotor? If it is a rotor, is it isolated electrically, thermally, mechanically or in any other way?

In claim 4, the limitation of the first fastener being identical with the second fastener is indefinite since it is not clear with what respect they are identical, or what purpose their identity serves.

In claim 8, "said torque converter disposed within a" is indefinite.

In claim 19, "wherein said second portion." is indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant

for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1, 12-15, and 18-20** and are rejected under 35 U.S.C. 102(b) as being anticipated by **Uchida et al. (US 4,958,095)**.

Uchida et al. disclose in Figures 3 and 9 invention as claimed: a stator 38, a rotor 8 coupled to the crankshaft 4, isolated from the torque converter 21 and in flux communication with the stator, a flexible plate member 112 coupled to the crankshaft.

5. **Claims 1-3, 12-15 and 18-20** are rejected under 35 U.S.C. 102(b) as being anticipated by **Peter (US 5,103,127)**.

Peter discloses in Figure 1 invention as claimed: a stator 52, a rotor 80 coupled to the crankshaft 14, isolated from the torque converter 32 and in flux communication with the stator, a flexible plate member 18 coupled to the crankshaft and a plurality of fastening members 26.

6. **Claims 1-4, 6, 8, 12-15 and 18-20** are rejected under 35 U.S.C. 102(e) as being anticipated by **Taniguchi et al. (US 6,478,101)**.

Taniguchi et al. disclose in Figures 1-3 invention as claimed: a stator 42, a rotor 43 coupled to the crankshaft 52, isolated from the torque converter 51,55 and in flux communication with the stator, a flexible plate member 55 coupled to the crankshaft with a plurality of fastening members traversing the rotor, a central hub portion 51 and a plurality of second fasteners coupling the hub portion to the crankshaft, a bearing support member 46 and a bearing 31, 46.

Re claims 18-20, **Uchida et al., Peter and Taniguchi et al.** disclose the structure as claimed. Claims 18-20 that merely recites connecting and using the disclosed features together are inherent to the disclosed structure.

Allowable Subject Matter

7. **Claims 5, 7, 9-11, 16, and 17** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The feature of the of the rotor having the aperture with a substantially larger diameter than the diameter of the diameter of the fastening member passing through or the outwardly protruding ring or pocket overlying the fastener, in combination with the other limitations present, are neither disclosed nor taught by the prior art of record.

Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Communication


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Waks whose telephone number is (703) 308-1676. The examiner can normally be reached on Monday through Thursday 8 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor R Ramirez can be reached on (703) 308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-1341 for regular communications and (703) 305-1341 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.


JOSEPH WAKS
PRIMARY PATENT EXAMINER
TC-2800

JW
February 25, 2003